

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

LINDA ANN CHANEY,

Movant.

No. 2:05-cr-0034 KJM CKD P

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct her sentence pursuant to 28 U.S.C. § 2255. Under Rule 4 of the Rules Governing Section 2255 Cases, the court must review all § 2255 motions and summarily dismiss any motion if it is plain that the movant is not entitled to relief. The court has conducted that review and finds that summary dismissal of the § 2255 motion is not appropriate. Therefore, respondent will be directed to file a response.

Along with her motion, movant submitted, as exhibit B, a document titled “Defense Sentencing Memorandum” and asks that the document be filed under seal. A “Defense Sentencing Memorandum and Objections to Disposition Memo” was filed in this action on December 6, 2017 and is not sealed. While not entirely clear, it appears the “Defense Sentencing Memorandum” is a prior draft of the “Defense Sentencing Memorandum and Objections to Disposition Memo.” There is nothing before the court, such as a docket entry or file stamp,

1 indicating that the “Defense Sentencing Memorandum” was ever submitted to the court.

2 Therefore, that document will not be filed under seal or otherwise.

3 Accordingly, IT IS HEREBY ORDERED that:


4 1. Respondent is directed to file a response to movant’s § 2255 motion within thirty days
5 of this order. See Rule 4, Rules Governing Section 2255 Proceedings.

6 2. Respondent shall include with the answer any and all transcripts or other documents
7 relevant to the determination of the issues presented in the motion. Rule 5, Rules Governing
8 Section 2255 Proceedings.

9 3. Movant’s traverse, if any, is due thirty days from the date respondent’s response.

10 4. Movant’s motion to file “Defense Sentencing Memorandum” under seal is denied.
11 That document will not be filed under seal or on the public record.

12 Dated: January 27, 2022

13 
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28